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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,731	08/18/2003	Jodi Rascoe	6688P001	8191
8791	7590	08/12/2005		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,731

Applicant(s)

RASCOE, JODI

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44-62 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, 15-18, 27-32 and 36-40 is/are rejected.
- 7) ☒ Claim(s) 7, 12-14, 19-26, 33-35 and 41-43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08222003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Reference numbers "36" (page 9, lines 28 and 30) and "107" (page 15, line 28) are not disclosed in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because:

- a) Figure 12a: Request names of each element be deleted to make drawing less cluttered and easily to follow. Additionally, the details are hard to see (i.e., slots)
- b) Figure 12b: Request that "Hair Beader" be deleted
- c) Figure 12c: Figures are too dark and heavily shaded

d) Figure 12d: Request the photograph be replaced with a line drawing. The photograph is too dark and difficult to see the elements.

e) Figure 13: Request "Hair Beader GHI" be deleted

f) Figure 14: Request the photograph be replaced with a line drawing. The photograph is too dark and difficult to see the elements

g) Figure 16: Request the names of each element be deleted to make drawing less cluttered and easily to follow. The lines are not clear and well defined. Request "Hair Beader layout" and "4-14-03" be deleted

h) Figure 17: Request "Hair Beader JKL" be deleted

i) Figure 18: Request "Hair Beader DEF" be deleted

j) Figure 19: Request "K3A" and "K3B" be deleted

k) Figure 20: Request "Hair Beader ABC" be deleted

l) Figure 21: Request "Hair Beader" be deleted

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 8 is objected to because of the following informalities:

The claim recites the limitation "the spring" in line 2. There is insufficient antecedent basis for this limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 15-17, 27, 37 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Legette (U.S. 5,456,271).

Legette discloses an apparatus 10 having a rod 18 comprising an end portion and a hooked portion 20 at opposite ends of the rod. A support (34, 36, 40) is coupled to the rod 18. The support includes a plurality of rod guides since the rod 18 extends through the surfaces of the support (34, 36, 40). The hooked portion is adapted to string filamentous material 12 through at least one bead 16 having a thru-hole.

With regard to claims 2 and 17, a handle 13 is provided.

With regard to claim 3, a tab 24 is provided and coupled to the rod 18.

With regard to claim 4, a cylinder 14 surrounds the rod 18 wherein the rod is slidable within the cylinder.

With regard to claims 15 and 27, the cylinder 14 is capable of holding a plurality of beads thereon.

With regard to claims 16 and 28, the invention is disclosed in one or more of the above rejected claims. The rod has a circular cross section portion.

With regard to claim 37, the method steps are disclosed in the above rejections to the apparatus claims.

With regard to claim 40, at least one bead is slidable onto the rod 18.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 6, 8-10, 18, 28-31, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legette (U.S. 5,456,271) in view of Fishman (U.S. 5,488,963).

Legette discloses the invention substantially as claimed above.

However, Legette does not disclose a pistol handle coupled to the cylinder.

Fishman teaches a device 10 for twisting hair and for applying an elastic band 22 thereto. The device 10 has a pistol handle (26, 28) configuration along with trigger

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portion 14. This configuration enables a young child to operate the device with one hand.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the device of Legette to have a pistol handle configuration as taught by Fishman so as to enable young children to operate the device with one hand. The device of Legette and Fishman are related inventions and one of ordinary skill in the art would have found the combination obvious.

With regard to claim 6, it would have been obvious to manufacture the rod cover to be transparent and translucent to impart a predetermined aesthetic effect to the device.

With regard to claim 8, a trigger 14 is coupled to a spring 80.

With regard to claim 9, a trigger link 18 is coupled to the trigger 14 and rod.

With regard to claim 10, at least one gear 18 is coupled to a rack and the trigger 14.

With regard to claim 18, a pistol handle (26, 28) is provided.

With regard to claim 28, the invention is disclosed in one or more of the above rejected claims.

With regard to claim 29, the housing is provided with a handle (26, 28).

With regard to claim 30, the handle (26, 28) is a pistol grip.

With regard to claim 31, a spring 44 is coupled to the rod.

With regard to claim 36, a plurality of beads is held in place by cylinder 14.

With regard to claim 38, a trigger 14 is used to operate the device.

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8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Legette (U.S. 5,456,271) in view of Fishman (U.S. 5,488,963) as applied to claim 10 above, and further in view of Kennedy et al. (U.S. 6,637,441).

Legette and Fishman disclose the invention substantially as claimed above.

However, they do not disclose a switch coupled to a power supply and a motor for operating at least one gear.

Kennedy et al. teaches a handheld hair wrapper 10 for wrapping an individual's hair with a cord. The device utilizes a switch 25 coupled to a power supply 88 and motor 90 for operating at least one gear (94, 96, 98).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a switch coupled to a power supply and motor as taught by Kennedy et al. to the device of Legette in view of Fishman in order to provide a tool requiring minimal effort by the user to operate.

9. Claims 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legette (U.S. 5,456,271) in view of Kennedy et al. (U.S. 6,637,441).

Legette discloses the invention substantially as claimed above.

However, Legette does not disclose a switch coupled to a power supply and a motor for operating at least one gear.

Kennedy et al. teaches a handheld hair wrapper 10 for wrapping an individual's hair with a cord. The device utilizes a switch 25 coupled to a power supply 88 and motor 90 for operating at least one gear (94, 96, 98).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a switch coupled to a power supply and motor as taught by Kennedy et al. to the device of Legette in order to provide a tool requiring minimal effort by the user to operate.

Allowable Subject Matter

10. Claims 44-62 are allowed.
11. Claims 7, 12, 13, 14, 19-26, 33-35 and 41-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because the prior art discloses a variety of hair beading instruments for beading an individual's hair.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw